REMARKS

Example 3 on page 14 of the specification has been amended to correct an unnoticed typographical error, the number 1 to the number 2, in the Example it modified. Basis for this amendment is found on page 16, second paragraph, where it is stated that all of the Examples except Examples 1 and 7 were made by placing the coating in contact with a smooth surface and at least partially dried while in contact with the smooth surface. Example 2 places the coating in contact with a smooth surface during drying, but in Example 1, and 7, the coating was not placed in contact with a smooth surface prior to drying, but instead were dried with the coating exposed to the hot air or gases of the oven. Example 3 merely increases the basis weight of the coating used in Example 2. This amendment is also supported by Examples 5 and 6, the two examples differing only by the basis weight of the coating on the fibrous mat. This amendment is also supported by lines 15-36 of page 4 in the Summary of the invention.

Claims 1-44 are in the application. Claims 1-23 and 31-38 stand withdrawn and will be cancelled upon the allowance of the elected claims 24-30 and 39-40 (upon the allowance of the elected claims 24-30, 39 and 40, the Examiner is given the authority to cancel these non-elected claims). Claims 25, 39 and 40 have been amended to change the claim number they depend from to claim 24, claims 39 and 40 have been further amended to change mat to laminate to be consistent with the independent claim. New claims 41-44 have been added to more particularly point out the first layer of the laminate.

The invention is a laminate containing a nonwoven fibrous mat containing a major portion of non-cellulosic fibers having an average fiber diameter of at least about 10 microns, the fibrous mat having a coating on a surface, the coating having an exposed surface having a surface smoothness Ra of no greater than about 15 microns, the coating comprising a filler. The novelty of the laminate of the invention lies in the type of mat and the degree of smoothness of

the exposed surface of the fibrous mat. The claimed laminate provides a laminate made using something other than a cellulosic fiber mat, to avoid potential mold problems, and yet still having a degree of smoothness needed in the industry for an exposed surface ready for painting, wallpapering, etc.

Claims 24-30, 39 and 40 stand rejected under 35 USC 103 as being unpatentable over Jaffee et al '187. The Examiner states that it is presumed that the mat or mats disclosed in this reference have the degree of surface smoothness of the claimed invention, but no proof is provided by the Examiner to support this presumption. This presumption is not correct as evidenced by the Examples provided in the present application. The coated mats taught by Jaffee et al are dried with the coating exposed to the air and hot gases in the oven. There is no suggestion in this reference to at least partially drying the mat and/or the coating while it is in contact a smooth surface. This step in the manufacture of the coated mats is critical to the manufacture of the coated mat of claims of Groups I and II and to the method claims of Group III.

Examples 1 and 2 of the present specification show that when the same mat is coated with the same coating composition, Example 1, coated with essentially the same coating weight (19.9 gms/sq. ft. for Example 1 and 19.3 gms/sq. ft. for Example 2, and then dried in a conventional manner with the coated surface exposed to air, but Example 2 mat having the coating against a smooth surface during drying, that the Ra of Example 2, 1.2 microns, was substantially different that the Ra of Example 1, 16 microns. This shows clearly that the Examiner's presumption of the surface smoothness of Jaffee et al is not right and is without support. Examples 5 and 6, compared with Example 1 also show this. Examples 7 (dried in a conventional manner of being exposed to the hot gases in the oven) and 8 (dried or partially dried in contact with a smooth surface) also prove the presumption wrong.

The Examiner also urges that the higher percentage of filler used in the invention is an obvious, in the sense of 35 USC 103, modification and provides no evidence of why one skilled in the art would other than that a higher filler content would better coat the fibers. The Examiner may be confusing the basis weight of the coating with the filler content of the coating. As shown by Examples 2, 3, 5 and 6, the higher the basis weight of the coating, when at least partially dried in contact with a smooth surface, does increase the surface smoothness, but the Examiner has provided no evidence that it was known in the art that increasing the filler content in the coating produces a smoother surface or causes it to stick better to the fibers. Actually wet clay sticks better to the fibers than the wet filler.

For these reasons applicant believes that these claims are patentable and respectfully requests the Examiner to withdraw this rejection and to allow all of these claims. If the Examiner believes one or more issues still exist, to expedite a disposal of this application, the Examiner is invited to call applicants' attorney at the number below to discuss resolution.

Respectfully submitted,

Robert D. Touslee
Attorney for Applicants

Robert D. Touslee
Reg. No. 34,032
Tel. No. 303-978-3927
Fax No. 303-978-2323